

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 17TH SEPTEMBER 2007 / 26TH BHADRA 1929

WP(C).No. 25082 of 2007(J)

**AGAINST THE ORDER IN EP.55/06 IN
OS.9/2005 of PRL.SUB COURT,IRINJALAKUDA**
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PETITIONER:

**RAJAN T.KRISHNAN, AGED 56, S/O.KRISHNAN,
THRIKANPURATH HOUSE, THRIKKUR AMSOM DESOM,
THRISSUR DISTRICT.**

**BY ADV. SRI.G.SREEKUMAR (CHELUR)
SRI.K.RAVI (PARIYARATH)**

RESPONDENT:

**THE HOUSING DEVELOPMENT FINANCE
CORPORATION LTD., ERNAKULAM, RAVIPURAM P.O.,
COCHIN.**

BY ADV. SRI.K.K.CHANDRAN PILLAI

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 17/09/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

- EXT. P1 TRUE COPY OF E.P.55/06 IN O.S.9/05 ON THE FILE OF THE SUB COURT, IRINJALAKUDA DATED 28.2.06.
- EXT.P2 TRUE COPY OF THE OBJECTIONS FILED BY THE PETITIONER IN EXT.P1 DATED 18.6.07.
- EXT.P3 TRUE COPY OF THE ORDER PASSED BY THE SUB COURT, IRINJALAKUDA IN EXT.P1 DATED 18.6.07.
- EXT.P4 TRUE COPY OF THE APPLICATION FILED BY THE PETITIONER AS E.A.902/07 IN EXT.P1 DATED 30.6.07 ON THE FILE OF THE SUB COURT.
- EXT.P5 TRUE COPY OF THE ORDER PASSED IN EXT.P4 APPLICATION BY THE COURT BELOW DATED 16.7.07.

[True copy]

P.A. to Judge.

M.N. KRISHNAN, J.

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Dated this the 17th day of September, 2007.

J U D G M E N T

This writ petition is filed seeking to set aside Exts.P3 and P5 orders. The decree holder has obtained a decree and had brought the property to sale. The main objection is regarding the valuation of the property. According to the judgment debtor the estimated value of his property according to the decree holder is three lakhs and it is grossly inadequate and the property will fetch a value of Rs.12 lakhs. Now, as per the amended CPC the proviso to Order 21 Rule 66(2) makes the Court's duty obligatory to show the value of the property given by the judgment debtor as well in the sale proclamation. If it is not done the decree holder is granted permission to amend the draft sale proclamation by incorporating the value suggested by the judgment debtor as well. In case it is already there, in order to enable the judgment debtor to have a breathing time to save the property, I direct the Court below to defer the sale by a

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period of six weeks from today on condition that he makes payment of Rs.50,000/- to the decree holder within a period of four weeks from today. If the amount is not paid, after incorporating objections of the judgment debtor, the Court may proceed to sell the property in accordance with law.

The writ petition is disposed of accordingly.

M.N. KRISHNAN, JUDGE.

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